

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACHATES REFERENCE PUBLISHING, INC.	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Case No. 2:09-CV-355(TJW)
	§	
BMC Software, Inc., et al	§	JURY DEMAND REQUESTED
Defendants.	§	

AGREED STIPULATION OF DISMISSAL OF BMC SOFTWARE, INC.

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Achates Reference Publishing, Inc. ("Achates") and Defendant BMC Software, Inc. ("BMC") file this Agreed Stipulation of Dismissal and would show the Court as follows:

Achates and BMC stipulate and agree that the subject litigation, Civil Action No. 2:09-cv-355 should be dismissed with prejudice, with each party bearing its own costs and attorney fees. The parties stipulate and agree that the Court shall retain continuing jurisdiction to enforce the terms of the settlement.

Dated: July 27, 2010

Respectfully submitted,

/s/ S. Calvin Capshaw

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*Attorneys for Plaintiff,
Achates Reference Publishing, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the following counsel of record, who are deemed to have consented to electronic service are being served this 27th day of July, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ S. Calvin Capshaw

S. Calvin Capshaw